

Camden County Board of Commissioners

Regular Meeting

May 19, 2008

7:00 P.M.

**Historic Courtroom, Courthouse Complex
Camden, North Carolina**

MINUTES

The regular meeting of the Camden County Board of Commissioners was held on Monday, May 19, 2008 at 7:00 p.m. in the Historic Courtroom, Camden, North Carolina. The following members were present:

Chairman Jeffrey B. Jennings

Vice Chairman Philip Faison

Commissioners Melvin J. Jeralds, Sandy Duckwall and Mike Andrews

Also attending was County Manager Randell Woodruff, Clerk to the Board Ava Gurganus and County Attorney John S. Morrison.

Chairman Jeffrey Jennings called the meeting to order and called upon Commissioner Philip Faison to give the invocation and lead those present in the Pledge of Allegiance.

PRESENTATIONS:

Troop 158 – Presentation of County Pin

Chairman Jeffrey Jennings read a letter to Troop 158 thanking the members for their work in the community, especially for cleaning up the overgrown weeds and grass at the cemetery on NC 343 and US 158, and presented each Troop member with an official Camden County pin.

Grand Knight James Riley – Presentation of Certificate

Chairman Jeffrey Jennings read a letter of thanks and presented a Certificate of Appreciation to Grand Knight James Riley regarding his organizing and participation for sixteen years (16) in the NCDOT Adopt-A-Highway Program on the Camden Causeway.

Reading of Resolution No. 2008-05-02 – A Resolution of the Camden County Board of Commissioners Regarding Assistance During the McPherson Road Fire

Chairman Jeffrey Jennings read the following Resolution:

Resolution No. 2008-05-02

**A Resolution of the Camden County Board of Commissioners
Regarding Assistance During the McPherson Road Fire**

WHEREAS, on February 10, 2008 Camden County was being affected by a large 2,300 acre forest fire at the North Carolina/Virginia border on McPherson Road in South Mills Township; and

WHEREAS, it was determined that there was a high probability the fire and smoke would cause damage to personal and public property; and

WHEREAS, a State of Emergency was declared at 1:58 a.m. on February 11, 2008 and terminated at 5:00 p.m. on February 28, 2008.

NOW, THEREFORE, BE IT RESOLVED, that the Camden County Board of Commissioners express extreme gratitude to the following people, and all others, who provided assistance to the North Carolina Forestry Department:

Albemarle Electric
Ray Albertson
Elmer Butt
Glen Carey
Chesapeake Police Department
Dismal Swamp Welcome Center
J & E Oasis
NC Department Of Transportation
Pasquotank – Newland Fire Department
South Camden Fire Department
South Mills Ruritan Club
United States Coast Guard Air Station

Melvin Albertson
Blackwater USA
Camden Co. Sheriff Department
Chesapeake Fire Department
Dismal Swamp State Park
EM Director Christy Saunders
Calvin Mercer
NC Highway Patrol
Bettie Ann Smithson
South Mills Church of Christ
South Mills Fire Department

Adopted this the 19th day of May, 2008.

ATTEST:

Ava Gurganus
Clerk to the Board

Jeffrey B. Jennings, Chairman
Camden County Board of Commissioners

(SEAL)

Public Comments

Chairman Jeffrey Jennings called for comments from the public.

Hearing no comments, Chairman Jennings proceeded with the meeting.

Consideration of Agenda

Commissioner Mike Andrews made a motion to approve the agenda as presented. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Consent Agenda

Commissioner Melvin Jeralds made a motion to approve the consent agenda as presented. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

- **Consent Agenda**

April 21, 2008 Regular Meeting Minutes subject to correction of typographical and technical errors.

Tax Collection Report – April 2008 in the amount of \$150,494.46.

Tax Releases, Pick Ups & Refunds

<u>Name</u>	<u>Amount</u>	<u>Type</u>	<u>Reason</u>	<u>No.</u>
Gregory Moltine	\$171.54	Release	Military Exempt	9937
Kelly Smith	\$109.16	Release	Temp Tag	9943
Blackwater	\$4,244.21	Release	Listed in Wrong Co.	9999

Budget Amendment 2007-08-BA021

**2007-08-BA021
CAMDEN COUNTY BUDGET AMENDMENT**

BE IT ORDAINED by the Governing Board of the County of Camden, North Carolina that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2008.

Section 1. To amend the General Fund as follows:

ACCT NUMBER	DESCRIPTION OF ACCT	AMOUNT	
		INCREASE	DECREASE
Revenues:			
10340410-434887	Currituck OLF	\$ 50,000.00	
10399400-439900	Fund Balance Appropriated	\$ 30,000.00	
Expenses:			
104700-504110	Camden/Currituck OLF expense	\$100,000.00	
109990-500000	Contingency		\$20,000.00

This will result in a decrease of \$ 20,000.00 in the Contingency of the General Fund.

Balance in Contingency \$24,508.00

Section 2. Copies of this budget amendment shall be furnished to the Clerk to the Governing Board, and to the Budget Officer and the Finance Officer for their direction. Adopted this 19th day of May, 2008.

Clerk to Board of Commissioners

Chairman, Board of Commissioners

Set Public Hearing for FY2008-2012 Capital Improvement Plan for June 2, 2008

- End of Consent Agenda

Old Business - Upset Bid Process for Sale of Cuthrell House Property – Review of Contract to Purchase

Attorney John Morrison stated the bid received by private offer is acceptable provided the bid is advertised and will be a ten (10) day upset period. If the bid is upset in that interim, then that would be a new bid, and that bid would go for ten (10) days until the bid is not upset. The offer must be without contingencies except for good title. Mr. Morrison stated he talked to Brock Mitchell, representative for the current bidder, and Mr. Mitchell has redrafted the contract to reflect no contingencies. It also requires earnest money deposit of 10% of the first \$1,000.00; 5% of the balance; check should be made payable to Camden County. The offer before the Board is \$450,000.00 with no contingencies from Camden Realty Group, LLC. Mr. Morrison stated the property has previously been declared surplus, so if it is the pleasure of the Board, the Board can accept this bid and then the appropriate advertisement will be run in the Daily Advance.

Chairman Jeffrey Jennings called for any questions.

Hearing no comments, Commissioner Sandy Duckwall made a motion to accept the bid offer of \$450,000.00 from Camden Realty Group, LLC for the Cuthrell House Property and advertise for a ten (10) day upset bid process. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Old Business - Coastal Resources Commission Board Recommendations

This matter was placed on the June 2, 2008 agenda by Chairman Jeffrey Jennings pending further information.

Old Business - Waste Industries Contract

Attorney John Morrison reviewed and explained the Waste Industries contract regarding their request for an increase of costs due to gasoline costs.

Commissioner Philip Faison made a recommendation to take this matter up in closed session to receive instructions from the county attorney on negotiating the Waste Industries contract.

Public Hearing – Intention to Apply for FY2008 CDBG Scattered Site Program

Commissioner Mike Andrews made a motion to go into public hearing to receive comments from the public regarding the intention to apply for a \$400,000.00 FY2008 CDBG Scattered Site Program. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Planning Director Dan Porter stated the program will provide replacement of three (3) homes and one (1) rehab home.

Chairman Jeffrey Jennings called for any comments from the public.

Hearing no comments, Commissioner Mike Andrews made a motion to close the public hearing. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Public Hearing – Ordinance No. 2008-04-01 – Rezoning Application Camden Plantation Properties, Inc. – UDO 2007-10-06

Commissioner Sandy Duckwall made a motion to go into public hearing to receive comments from the public regarding Ordinance No. 2008-04-01. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Planning Director Dan Porter stated Camden Plantation is applying to rezone approximately five hundred ninety (590) acres from Basic Residential R – 3 -1, to Planned Unit Development (PUD). The location of the property is on the east side of US 17, between McPherson and Culpepper Roads.

Background

A sketch plan for the property was approved in 1998 for the development of 296 single family houses and a golf course. During the subsequent moratorium, Phase 1 consisting of sixty one (61) lots along the McPherson Road perimeter proceeded through to development. Upon sale of the property to a new developer and re-evaluation of the property's best use, the current owner decided to wait for the moratorium to expire and reapply to develop a higher density mixed use project, using smart growth principals which emphasize an integrated walkable community.

In order to accommodate this type of development, staff reviewed the PUD ordinance and determined that it was not adequate to accommodate such a large, long term project. The recently approved revision to the PUD ordinance was developed after considerable staff and county attorney research of similar ordinances and general law, and was reviewed by the School of Government. Although the applicant's attorney provided some input, the ordinance was drafted and approved with the objective of applicability to other future PUD applications.

PUD Review/Approval Process

A successful PUD development involves a three (3) step review/approval process. First the applicant must submit a rezoning petition with a "concept plan" which meets a general set of requirements as outlined in the ordinance. The rezoning approval can and should include a set of general conditions (parameters) of the project, and issues which must be submitted at the next approval stage. Second, if the rezoning is approved through the Planning Board and Board of Commissioners, the applicant prepares and submits a more detailed "Master Plan" for review by both boards. Approval of the Master Plan includes the approval of a "conditional use permit" setting forth more detailed conditions of the project. These first two steps give the county considerable opportunity to assess the impacts of the development and include "conditions" at both the rezoning and Master Plan stages, under which the development may be built. Third, with the conditions of development established in the conditional use permit, the applicant proceeds to prepare "construction plans" for the initial phases of the project. These technical drawings are reviewed by staff for compliance with state requirements and the conditions of the local approval. Following this review and approval the applicant may proceed to develop the phases as shown in the construction plans.

It should be noted that along with approval of the Master Plan and Conditional Use Permit, the developer and county may also execute a "Development Agreement" and/or

other contract that further specify obligations of each party to provide infrastructure and/or other conditions of the project approval.

Project Summary

In general the Camden Plantation project proposes to develop 590 acres with 1780 housing units of differing types and sizes (single family detached, single family attached, town homes, apartments, lofts, etc.); 160,000 square feet of commercial space in a town center design; an 18 hole golf course (for residents and the general public) with associated amenities; a community center with amenities; and walking/biking trails. The overall housing density is 3.4 units per acre.

The main entrance to the development will be via an access of US 17 at the median break just south of the Dismal Swamp Welcome Center. Two additional access points will be from McPherson Road on the north and east perimeters. The overall project is divided into nineteen (19) “neighborhood pods” which would be built out in phases over a 15 to 20 year period. The owner indicates that the first phase will include single family housing, a portion of the commercial space, and the golf course (at least 9 holes).

The developer intends to connect to a public water system and construct a private wastewater treatment facility. The treated wastewater will be applied to the golf course through an irrigation system. The majority of roads will be public and petitioned for acceptance on the NCDOT maintenance system. A limited number of roads within individual neighborhoods may remain private, and a manual of construction standards will be provided to assure road quality. The property includes a number of wetlands. The plans call for filling some wetlands, with appropriate state and federal permits. Other existing wetlands will remain and new additional wetlands constructed to both mitigate the filled areas and provide an adequate storm drainage system.

Although a large project with considerable impacts on the county, it is planned to be developed in a manner that will create a high quality community consistent with the County’s Land Use Plan, specifically Policy P-31 which states that “Within the Community/Highway Corridor Study Areas, Camden County supports the concept of “Smart Growth”.

David Rudiger, President Boyd Homes – Camden Plantation, gave a power point presentation. Mr. Rudiger stated that the project was approved for approximately 300 homes in 2002 when Boyd Homes acquired the property. It was set out for single family one (1) acre lots on septic and public water. There was a golf course included but the design was basically such that the golf course was designed to maximize the frontage of the lots on the golf course and to maximize the availability of the septic fields by putting the golf course on some of the less well draining soils. It is currently zoned to permit 500 to 600 homes with the existing zoning. Mr. Rudiger stated that when they bought the property, the moratorium was in place and there were sixty one (61) lots ready to go and knowing that they would have a period of time where they would not be able to do anything, they spent that time working with the county, working with the planning department and working with residents of the county at a number of public hearings and informal public meetings at which they put out ideas and asked the residents for ideas. Mr. Rudiger stated that they keep hearing that essential elements from the county’s perspective were to incorporate commercial and to incorporate a golf course. Recognizing that the golf course was important to the county and residents, Boyd Homes commissioned a feasibility assessment of the design that had all ready been done and the results of the professional golf course market was that in order to have a viable golf course community, Boyd Homes needed to have between 1,800 and 2,000 homes so that there was a sufficient number of people who would be regularly playing the course and keep it going so that it would be thrive and be a drawing point for the county. In the meantime the county had taken the initiative to study the growth of the county and hired an outside consultant and had commissioned a smart growth study. What those consultants told the county was, growth is coming; this area is a very desirable part of the state, and it is expected that this part of the state is going to be fast growing. There was the opportunity to allow the growth to come uncontrolled or to manage that growth and try to do something about it. The County has wisely said that it is the position to invest in

smart growth. Smart growth is a wide variety of concepts and Boyd Homes has tried to incorporate as many as they can and as a result of that, they have scored the highest on smart growth score card of any other subdivision that has been submitted pursuant to that score card. Boyd Homes' current plan breaks the property into a variety of different uses and allows for the integration of the golf course into the overall community and allows for rather than a bunch of houses that are all the same, bunch of houses that has large yards, large families, and have large demands on the county, to have growth that is smart, that is condensed and that provides for a community of mixture of uses within walking or bike riding distance so that there is less demands upon the county's infrastructure and a positive contribution to the tax base. Mr. Rudiger stated that they have changed the golf course design and now the golf course is used as a buffer against the outward community so that the golf course is shared with the rest of the county and along roads so as anyone driving into the community gets more of a sense of open space and the existing path of the lead ditch that leads into Joyce Creek has been followed to improve the drainage through the property. A number of different mixture of usages varying from 1200 square foot lots down to 7000 square foot lots, townhomes, apartments and then flats over top of the commercial in the commercial frontage area around Route 17. Mr. Rudiger stated that one of the first things they wanted to do in designing this project was have people have a sense of arrival as soon as they got to the properties so that there was sense that this was not just wandering into some neighborhood but they come into a community that had been planned and was intended to convey a message, intended to be a place for the county to be proud to be a part of the county. The Shopping Center will be part of the arrival and there will be landscaped boulevard that go down adjacent to the golf course and lots of open space and not the feeling of driving into a traditional subdivision. The Town Center will be designed so that it is not the traditional shopping center but is more like a traditional town center. There will be jobs located close to where people live and there will be additional opportunities for people outside of Camden Plantation for business opportunities, where they don't have drive into Elizabeth City or into Chesapeake to work or shop. A Community Center will incorporate a variety of fitness and exercise opportunities, including swimming pool, playground, club houses, center of community of activity, tennis courts, and volleyball and walking trails throughout the community. There will be a variety of housing styles and will be working with an architect to design the looks that will be mandated for the community so that there will be a consistent look through the community. Boyd Homes has tried to work with the natural topography, taking into account stormwater drainage and existing drainage so that there will not be an adverse effect. Mr. Rudiger stated they have listened to the concerns of the existing citizens and drainage is an important consideration for both the people who live inside the community and for the people who live outside. Boyd Homes will be taking care of the stormwater onsite; managing it so that it is not dumped and not flooding other areas. This is part of the PUD ordinance that they worked carefully with the Planning Department to come up with guidelines for a community project such as Camden Plantation. Standards were set for stormwater and a variety of other issues so that the county is protected in these matters. Boyd Homes has been discussing with the county the execution of a development agreement. This will be a written contract between Boyd Homes as the developer and the county so that the questions will be answered and Boyd Homes will offer no false promises or empty allusions. Mr. Rudiger stated that Boyd Homes will sign on the dotted line and said that Boyd Homes commits to doing these things and they are in the process of working through the agreement with the County Attorney at the present time. Mr. Rudiger stated that if they do not do what is in the agreement, then the county can force them to do it. It is not just an empty promise; it is an agreement that is enforceable. As the Planning Director mentioned to the Board, Boyd Homes wants to make sure that everyone understand that this is a conceptual plan at this point and have just bubbles of areas saying this is where such and such is going to be, and this is where something else is going to be. Obviously there is a lot of engineering that goes into designing a community like this and Boyd Homes is committed to doing that and wants to make sure that they have the zoning authorization from the county in order to do that. Once they get the zoning authorization, then Boyd Homes will be authorizing their architects and engineers to be working on the necessary plans which they will bring back to the Board and the Board will have the ability to review, comment on and request changes as necessary to as Boyd Homes moves through the process. This is not a blank check that the county would be writing. The county could continue to monitor this project and make sure that Boyd Homes is doing what was agreed and what the county

has in mind. Mr. Rudiger stated that the future of the county and the future of Camden Plantation are in the Board's hands. The county can have smart growth, a community that adds amenities to the county, that adds commercial to the county that provides to opportunities to outside residents of the project that are not available in the county now, or the county can have more of the suburban sprawl that the county has had. Boyd Homes would like the Board's approval and an opportunity to show the county what we can do to help contribute to the county to make a good county even better. Mr. Rudiger stated he would answer any questions and introduced Joe Boyd, Chairman of Boyd Homes and Engineer Ken Lerner.

Commissioner Philip Faison stated that Camden County has had tax increases to provide schools; with slowing of growth the school system has had a chance to catch up and asked how could he go to the Superintendent of Schools and say that he is approving ninety (90) new homes for the next twenty (20) years without increasing taxes.

Mr. Rudiger replied that they had met with the School Superintendent and with the county staff, and they understand that there is a county ordinance in place that provides for mitigation on the impacts on the schools, and they stand prepared to make those mitigation payments to offset the impact of this development on the county and its schools system. Boyd Homes has indicated to the school system and to the county that Boyd Homes is open to other opportunities but if there is a way that they can address the issues that meets both the county and their needs in a win-win situation, then they are open to other alternatives to the default situation of paying impact fees but Boyd Homes stands absolutely prepared to do their part and pay their fair share.

Commissioner Philip Faison asked how the development was going to be marketed, and what kind of people would live there.

Mr. Rudiger stated he thought the development would appeal to a broad demographic and are going to have starter homes and a golf course community that will appeal to the empty nester. There will be smaller homes with smaller lots.

Attorney John Morrison asked what percentage of these homes would be condominiums.

Mr. Rudiger stated that he could not answer specifically on percentages because townhouses might end up being condominiums.

Attorney John Morrison asked for a percentage on both townhouses and condominiums. Mr. Morrison stated that the county obviously has to be concerned of the impact upon the schools. Camden County has a state of the art adequate facility ordinance but the county would prefer not to get in a struggle over enforcing that and would prefer to see a development that would not call upon them to enforce the ordinance. If the county had a large percentage of the homes that are either condominiums or townhouses; the difference between a townhouse and a condominium is a very small piece of property is owned with a townhouse; those properties are analogist to an age restrictive subdivision and is unlikely that a family with children will live in a condominium or townhouse, which has the obvious advantage to the county of increasing the tax base without putting a demand on the school system.

Mr. Rudiger stated that out of all of the homes that are proposed in the development, almost one half of them, about 750 of the homes are either apartments or townhouses or loft units.

Commissioner Philip Faison asked how many home sites would be available around the golf course.

Mr. Rudiger stated he could not answer the question but in addition to those units that are going to be apartments, lofts or townhouses, another 376 of the units are proposed as Villas on very small lots and is prevalent style of home in a retirement type of community.

Attorney John Morrison asked if marketing would be toward retirees, to which Mr. Rudiger replied, absolutely.

Attorney John Morrison asked if Mr. Rudiger had the opportunity to review the county's adequate public facilities ordinance. Mr. Rudiger replied in the affirmative.

Attorney John Morrison asked Mr. Rudiger if he found any legal flaws with the adequate public facilities ordinance and would Mr. Rudiger abide by the ordinance, to which Mr. Rudiger replied, yes sir, they are pledging at this public hearing tonight that they will make payments as provided in the adequate facilities ordinance.

Commissioner Sandy Duckwall questioned Mr. Rudiger regarding who would actually own the golf course once it is developed.

Mr. Rudiger replied that they have not figured out yet who would own the golf course and they are dealing with golf course consultants on this matter in order to obtain the most sustainable model on this type of project.

Commissioner Sandy Duckwall asked if Boyd Homes would oversee the construction and hire professionals to build the golf course, to which Mr. Rudiger replied, absolutely, and that they are going to get professional golf course designers to design the golf course. It will be a semi-private where the residences will have certain privileges as a result of being members but it will be open to the public.

Commissioner Sandy Duckwall asked when the construction of the golf course would commence and how many holes will be built before homes are sold.

Mr. Rudiger replied that the golf course will be started in connection with the first phase of the development and the overall design of the community including drainage, wastewater treatment facility and the golf course must be done as part of the first phase but that does not mean necessarily that all the holes would be opened up front but they would design and build the golf course as part of the first phase of the development, along with the Club House.

Commissioner Mike Andrews referred to the contract with Boyd Homes and the county and asked Mr. Rudiger if the golf course, open areas and paths, would be in the contract too where it would always stay that way, where down the road Boyd Homes could say we would like to build houses on this land versus a golf course. Would that be in the contract with the county that Boyd Homes agrees that that land would stay open areas?

Mr. Rudiger replied, yes, but did not know whether that was a development agreement or in the restrictions that are recorded, but one way or another, that is an enforceable agreement that Boyd Homes will enter into that the golf course will remain in the development and suggested seeking advice from the county attorney.

Commissioner Mike Andrews asked how many gallons of water per day does a golf course pull in wells to irrigate the course.

Mr. Rudiger replied he did not know and stated it is their intention to create a sustainable design that will balance the effluent of the wastewater treatment which will be treated and re-circulated and used as the irrigation for the golf course so there is not a drain on the water table.

Commissioner Mike Andrews asked if the sewer treatment plant would be for Camden Plantation or would they allow other entities use of the surplus capacity, to which Mr. Rudiger replied that they would be open to do that as long as they can build a rate structure that is going to pay for the cost of the facility and if they could make the arrangement with the county in terms of the expansion, then they would be happy to work with the county to do that. Mr. Rudiger stated the only caveat is that they are trying to balance their site in terms of the effluent and spray fields and it may be that they would treat water and have to a sharing arrangement with the county Sprayfield which is across the street.

Chairman Jeffrey Jennings called for questions or comments from the public.

Jeff Walson, 182 McPherson Road, stated he is concerned regarding overloading the water table and sewer system and would he be allowed to tap into the system.

Mr. Rudiger stated there will be private wastewater treatment/sewage treatment and no septic tanks, so it should not adversely affect septic systems and property owners outside the development would be able to connect to the Camden Plantation sewer system.

Planning Director Dan Porter stated that in the previous approval of the sketch plan that this was a condition of that approval that homeowners along the perimeter are offered the opportunity to connect to the Camden Plantation sewer system.

Marcella Whitson, 222 Culpepper Road, stated that the Camden Plantation development is a beautiful concept and raises challenges for the county and asked if Camden Plantation is a sub corporation of Boyd Homes and what assets does Boyd Homes have. Mrs. Whitson stated she is concerned regarding the services that will be needed for the residents of the development, such as education, police, and fire. Mrs. Whitson stated as an adjacent property owner, flooding, drainage and run off is an extremely important issue and asked for a hydrological study.

Planning Director Dan Porter stated the Planning Board reviewed the project on March 19, 2008, and recommends approval with a 7 – 0 vote to rezone the property from Basic Residential (R3-1) to Planned Unit Development (PUD) based on conceptual plans submitted and the request is in accordance with the county's land use plan and the following conditions shall be addressed at the master plan and development agreement prior to the issuance of a conditional use permit: A. Applicant shall provide agreement with South Mills Water District, to include South Camden Water & Sewer District if necessary, for the provision of water prior to submission of Master Plan; B. Applicant shall provide written approval from NCDOT of curb cut off Highway 17 to access property; C. Master Plan shall address all the following: - per condition of Phase I approval developer shall make available connection to sewer to lots along McPherson Road, - Address construction/maintenance standard of private roads, - A statement as to how the developer will address the impacts on county facilities (police, fire, schools), - Height of buildings; county ordinance states there shall be no structure higher than 35 feet as measured from lowest adjacent grade to highest eve.

Hearing no further comments, Commissioner Melvin Jeralds made a motion to go out of public hearing. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Public Hearing – Ordinance No. 2008-05-01 – Rezoning Application – UDO 2008-03-57 – Brian & Anna Smith

Commissioner Sandy Duckwall made a motion to go into public hearing to receive comments from the public regarding Ordinance No. 2008-05-01. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

The Planning Board met on April 16, 2008 and recommended approval on a 6-0 vote to rezone property (to include parcels that were petitioned by adjacent property owner) from Basic Residential (R3-1) to General Use District (GUD) as application is consistent with the Land Use Plan as land use maps reflect property be zoned as agriculture and conservation.

Commissioner Jeffrey Jennings called for comments from the public.

Hearing no comments, Commissioner Melvin Jeralds made a motion to go out of public hearing. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip

Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Public Hearing - FY2008-2009 Budget

Chairman Jeffrey Jennings struck the FY2008-2009 Budget public hearing from the agenda.

Amendment To Agenda

Chairman Jeffrey Jennings amended the agenda to add to *Item 6. New Business, D. Consideration of Ordinance 2008-05-01.*

Commissioner Sandy Duckwall made a motion to approve the agenda as amended. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

New Business – Juvenile Crime Prevention Council (JCPC) - Council Membership Certification

Commissioner Philip Faison made a motion to approve the JCPC Council Membership list as presented from JCPC Coordinator Charlene Jones. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

New Business - FY2008 Community Development Block Grant (CDBG) Scattered Site Housing (SSH) Program Participation

Commissioner Mike Andrews made a motion to approve participating in the FY2008 CDBG SSH program with NC Department of Commerce, Division of Community Assistance. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

New Business - Administration Contract CDBG 2008 Scattered Site Programs

Commissioner Melvin Jeralds made a motion to approve The Albemarle Commission as grant administrator for the FY2008 CDBG SSH program with NC Department of Commerce, Division of Community Assistance. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

New Business - Consideration of Ordinance 2008-05-01– Rezoning Application – UDO 2008-03-57 – Brian & Anna Smith

Commissioner Mike Andrews made a motion to approve Ordinance No. 2008-05-01. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

Approved Ordinance No. 2008-05-01 reads as follows:

Ordinance No. 2008-05-01

**An Ordinance
Amending the Camden County
Zoning Map
Camden County, North Carolina**

Article I: Purpose

The purpose of this Ordinance is to amend the Zoning Map of Camden County, North Carolina, which was originally adopted by the County Commissioners on December 20, 1993, and subsequently amended.

Article II. Amendment to Zoning Map

The Official Zoning Map of Camden County, North Carolina, which was adopted on December 20, 1993, and subsequently amended, is hereby amended as follows:

The properties currently shown in the Camden County Tax Assessor’s Office as PIN’s 01-7081-00-03-6230, 02-8935-01-49-8003, and 02-8936-00-31-6053 are hereby re-zoned from Basic Residential (R3-1) to General Use District (GUD).

Article III. Penalty

1. Violations of the provision of this Ordinance or failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with grants of variances or Special Use or Conditional Use Permits, shall constitute a misdemeanor, punishable by a fine of up to five-hundred (\$500) dollars or a maximum thirty (30) days imprisonment as provided in G. S. 14-4.
2. Any act constituting a violation of the provisions of this Ordinance or a failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the grants of variances or Special Use or Conditional Use Permits, shall also subject the offender to a civil penalty of one-hundred (\$100) dollars for each day the violation continues. If the offender fails to pay the penalty within ten (10) days after being cited for a violation, the penalty may be recovered by the county in a civil action in the nature of debt. A civil penalty may not be appealed to the Board of Adjustment if the offender was sent a final notice of violation in accordance with Article 151.568 and did not take an appeal to the Board of Adjustment within the prescribed time.
3. This Ordinance may also be enforced by any appropriate equitable action.
4. Each day that any violation continues after notification by the administrator that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this section.
5. Any one, all or any combination of the foregoing penalties and remedies may be used to enforce this Ordinance.

Article IV. Severability

If any language in this Ordinance is found to be invalid by a court of competent jurisdiction or other entity having such legal authority, then only the specific language held to be invalid shall be affected and all other language shall be in full force and effect.

Article V. Effective Date

This Ordinance is effective upon adoption.

Adopted by the Board of Commissioners for the County of Camden this 19th day of May 2008.

County of Camden

Jeffrey B. Jennings, Chairman
Camden County Board of Commissioners

ATTEST:

Ava Gurganus
Clerk to the Board

(SEAL)

Commissioner’s Report

Commissioner Philip Faison reported on a trip to Raleigh to meet with Senator Basnight, Representative Owens and other delegates to talk about help for Sheriff’s department to make up for the monies they spend for transportation of mental health patients.

County Manager’s Report

County Manager Randell Woodruff reported on the following:

- Intermediate School spent \$10,777,919.85; Balance of \$638,549.85 can be borrowed or paid by the county. This matter will be on the June 2, 2008 agenda.
- County Assembly Day by NCACC on June 10 in Raleigh.
- Green Park Project: Went to Raleigh with Ray White to attend a meeting with people from UNC Chapel Hill who presented their report to Senator Basnight and Representative Owens for review; Senator Basnight sent the committee back to the drawing board for further recommendations and details; an additional meeting was scheduled for May 27, 2008 at Senator Basnight’s office. The project has been delayed until late July. On June 16 the Green Park Committee from Chapel Hill will be visiting Camden for several days and will return in July for a community briefing to share comments from the citizens.
- Reviewed draft agenda for joint meeting with Currituck County.
- Information Sheet from NCACC regarding taking away the Land transfer tax.
- Governor’s budget restored the JCPC program.
- Bill in current legislative session to increase homestead exemption to \$30,000.00.
- Annual Commissioners Conference is scheduled for August 21 – 24, 2008 in New Bern.

Closed Session

Commissioner Philip Faison made a motion to go into closed session pursuant to G.S. 143-318.11(a)(3) for the purpose of consultation with attorney and pursuant to G.S. 143-318.11(a)(4) for the purpose of discussing Industrial Recruitment. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

The Commissioners entered closed session at 9:23 p.m.

Commissioner Sandy Duckwall made a motion to come out of closed session. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

The Commissioners re-entered regular session at 9:54 p.m.

Amendment To Agenda

Commissioner Melvin Jeralds made a motion to amend the agenda to add *Acquisition of Property for High School Facilities*. The motion passed with Commissioners Melvin Jeralds, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; Commissioner Sandy Duckwall voting no; no Commissioner absent; and no Commissioner not voting.

Commissioner Melvin Jeralds made a motion to approve the acquisition of sixty (60) acres of property located at NC Highway 343 and Sleepy Hollow Road for a high school from Tom Noblitt at the cost of \$1,500,000.00 with \$150,000.00 down payment, and \$150,000.00 paid each year for nine (9) years with no interest. The motion passed with Commissioners Melvin Jeralds, Philip Faison, and Chairman Jeffrey Jennings voting aye; Commissioners Sandy Duckwall and Mike Andrews voting no; no Commissioner absent; and no Commissioner not voting.

Adjournment

Commissioner Sandy Duckwall made a motion to adjourn the meeting. The motion passed with Commissioners Melvin Jeralds, Sandy Duckwall, Philip Faison, Mike Andrews and Chairman Jeffrey Jennings voting aye; no Commissioner voting no; no Commissioner absent; and no Commissioner not voting.

The meeting adjourned at 9:58 p.m.

Jeffrey B. Jennings, Chairman
Camden County Board of Commissioners

ATTEST:

Ava J. Gurganus
Clerk to the Board